

21 C.J.S. Courts § 140

Corpus Juris Secundum | May 2023 Update

Courts

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IV. Terms and Sessions

B. Terms

1. In General

§ 140. Lapse of term

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The common-law rule is that the failure of the judge to attend and open court on the day fixed for the beginning of the term results in a lapse of the term.

A failure to open court on the day fixed for the beginning of a term results, at common law, in a lapse or loss of the whole term so far at least as the holding of court is concerned.¹

Effect of lapse.

If a term lapses, all causes properly triable thereat, whether civil or criminal, stand continued by operation of law,² and any later proceedings at that term are void.³

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Footnotes

¹ Ky.—*Hinkle v. Rose*, 233 Ky. 606, 26 S.W.2d 541 (1930).

² Neb.—*Pitman v. Heumeier*, 81 Neb. 338, 115 N.W. 1083 (1908).

3 Okla.—*Ex parte Massengale*, 67 Okla. Crim. 181, 93 P.2d 41 (1939).

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